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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,314	12/04/2003	Wy Peron Lee	USP2266A-SMD	6215
30265	7590	03/24/2005	EXAMINER	
DAVID AND RAYMOND PATENT GROUP			CHOI, STEPHEN	
1050 OAKDALE LANE			ART UNIT	
ARCADIA, CA 91006			PAPER NUMBER	

3724

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8W

Office Action Summary	Application No. 10/727,314	Applicant(s) LEE, WY PERON	
	Examiner Stephen Choi	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Group I. Claims 2-3, 14-15, and 22-23 are, drawn to a retractable utility table, classified in class 108, subclass 86.
 - Group II. Claims 4, 16, and 24 are, drawn to a dolly frame having wheel assemblies and a dolly handle, classified in class 280, subclass 30.
 - Group III. Claims 5-6, 17, and 25 are, drawn to a retractable utility table and a dolly frame having wheel assemblies and a dolly handle, classified in class 144, subclass 286.1.
 - Group IV. Claims 7, 10, 18, and 26 are, drawn to a foldable leg frame, classified in class 108, subclass 118.
 - Group V. Claims 8 and 11 are, drawn to a dolly frame having wheel assemblies and a dolly handle and a foldable leg frame, classified in class 280, subclass 639.
 - Group VI. Claims 9, 12, 20, and 28 are, drawn to a retractable utility table, a dolly frame having wheel assemblies and a dolly handle, and a foldable leg frame, classified in class 280, subclass 47.17.
 - Group VII. Claims 19 and 27 are, drawn to a retractable utility table and a foldable leg frame, classified in class 83, subclass 471.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions of group III and groups I and II are related as combination and subcombination. Inventions in this relationship are distinct if there is evidence that the combination does not rely on the subcombination for patentability. See MPEP 806.05 (c), example 3. For example, group II is evidence that the combination of group III does not rely on the retractable utility table of group I for patentability, and conversely, group I is evidence that the combination of group III does not rely on the dolly frame having wheel assemblies and the dolly handle of group II for patentability.

Inventions of group V and groups II and IV are related as combination and subcombination. Inventions in this relationship are distinct if there is evidence that the combination does not rely on the subcombination for patentability. See MPEP 806.05 (c), example 3. For example, group II is evidence that the combination of group V does not rely on the foldable leg frame of group IV for patentability, and conversely, group IV is evidence that the combination of group V does not rely on the dolly frame having wheel assemblies and the dolly handle of group II for patentability.

Inventions of group VII and groups I and IV are related as combination and subcombination. Inventions in this relationship are distinct if there is evidence that the combination does not rely on the subcombination for patentability. See MPEP 806.05 (c), example 3. For example, group I is evidence that the combination of group VII does not rely on the foldable leg frame of group IV for patentability, and conversely, group IV is evidence that the combination of group VII does not rely on the retractable utility table of group II for patentability.

Inventions of group VI and groups III and IV are related as combination and subcombination. Inventions in this relationship are distinct if there is evidence that the combination does not rely on the subcombination for patentability. See MPEP 806.05 (c), example 3. For example, group III is evidence that the combination of group VI does not rely on the foldable leg frame of group IV for patentability, and conversely, group IV is evidence that the combination of group VI does not rely on the retractable utility table and the dolly frame having wheel assemblies and the dolly handle of group III for patentability.

Inventions of group VI and groups I and V are related as combination and subcombination. Inventions in this relationship are distinct if there is evidence that the combination does not rely on the subcombination for patentability. See MPEP 806.05 (c), example 3. For example, group I is evidence that the combination of group VI does not rely on the dolly frame having wheel assemblies and the dolly handle and the foldable leg frame of group V for patentability, and conversely, group V is evidence that the combination of group VI does not rely on the retractable utility table of group I for patentability.

Inventions of group VI and groups II and VII are related as combination and subcombination. Inventions in this relationship are distinct if there is evidence that the combination does not rely on the subcombination for patentability. See MPEP 806.05 (c), example 3. For example, group II is evidence that the combination of group VI does not rely on the retractable utility table and the foldable leg frame of group VII for patentability, and conversely, group VII is evidence that the combination of group VI

does not rely on the dolly frame having wheel assemblies and the dolly handle of group II for patentability.

Claims 1, 13, and 21 will be examined with the elected invention.

Claims 1, 13, and 21 link inventions of groups I-VII. The restriction requirement of the linked inventions is subject to the nonallowance of the linking claim(s), claims. 1, 13, and 21. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Inventions of groups I, III, V, VII, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. For example, the apparatus of group I does not require the dolly frame and the foldable leg frame set forth in group V, and conversely, the apparatus of group III does not require the retractable utility table set forth in group I, the apparatus of group III does not require the foldable leg frame set

forth in group V, and conversely, the apparatus of group V does not require the retractable utility table set forth in group III. See MPEP § 806.05(d).

There is an excessive burden on the office to examine all of these inventions together, as shown by their search. See MPEP 808.02(C). For example, the device of group I will need to be searched in class 108, subclass 86, along with a unique text search. Group V would need to be searched in class 280, subclass 639 accompanied by a different text search. Groups III and VII also would have unique searches.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

21 March 2005


STEPHEN CHOI
PRIMARY EXAMINER